

REMARKS

The present amendment is in response to the Office Action dated September 13, 2004. Claims 8-10, 39-41 and 62-71 are now present in this case. Claim 39 is amended. New claims 62-71 have been added.

The Examiner will kindly note that representation in this matter has been transferred to another attorney. A Power of Attorney to Prosecute Application Before the USPTO, a Statement Under 37 C.F.R. § 3.73(b), and a Request to Amend the Attorney Docket Number are attached herewith.

The Office Action indicates that claims 1-61 are pending in the application and identifies the application as a continuation-in-part of application 08/944,668, now issued as U.S. Patent No. 6,381,633. This is incorrect. A preliminary amendment filed with the application on January 18, 2002, canceled claims 1-7, 11-38, and 42-61. Thus, only original claims 8-10 and 39-41 and new claims 62-71 are pending in the present application. Furthermore, the present application is a divisional of U.S. Application No. 08/944,668. Claims 8-10 and 39-41 were restricted out of the parent case in a restriction requirement dated July 30, 1999. In response to that restriction, the applicants canceled claims 8-10 and 39-41 and filed the present divisional application to pursue canceled claims 8-10 and 39-41.

The Office Action includes a double patenting rejection of claims 1-61 under 35 U.S.C. § 101 as conflicting with claims 1-61 of copending U.S. Application No. 10/053,826. This is incorrect. As noted above, the present application is a divisional of U.S. Application No. 08/944,668. Only claims 8-10 and 39-41 are present in the pending application. Copending Application No. 10/053,826 is also a divisional of U.S. Application No. 08/944,668. Copending Application No. 10/053,826 also included a preliminary amendment canceling claims 1-21 and 32-51. Thus, only original claims 22-31 and 52-61 are present in copending Application No. 10/053,826. Because no common claims exist between the two pending applications, the applicants respectfully request that the rejection of claims under 35 U.S.C. § 101 be withdrawn.

The Office Action also includes a nonstatutory double patenting rejection (*i.e.*, an obviousness type double patenting rejection) of all claims over U.S. Patent

No. 6,381,633. As noted above, the present application is a divisional of U.S. Application No. 08/944,688, now issued as U.S. Patent No. 6,381,633. In view of the restriction issued in the parent case, U.S. Patent No. 6,381,633 cannot be used as a basis for rejection of claims that have been previously determined to be patentably distinct. (See 35 U.S.C. § 121). Accordingly, the applicants respectfully request that the obviousness type double patenting rejection be withdrawn.

Claims 8-10 and 39-41 stand rejected under 35 U.S.C. § 103 as unpatentable over U.S. Patent No. 5,621,727 to Vaudreuil in view of U.S. Patent No. 5,812,668 to Weber. The applicants respectfully traverse this rejection. The Office Action appears to assert that Vaudreuil discloses response messages and query messages. This is not correct. The Office Action cites Vaudreuil, at column 9, lines 25-35, as disclosing a response message. However, that section of Vaudreuil generically refers to a client-server, request-response communication format. Vaudreuil makes no mention of sending any messages at selected intervals. Such a generic description cannot be construed as suggesting a method that recites "responding to each messaging platform on the messaging network that sends a response message to the master platform, said response message sent by each messaging platform at a selected interval which is defined in the messaging platform entry corresponding to each messaging platform," as recited in claim 8.

The Office Action does not cite any section of Vaudreuil as teaching "sending a query message to a messaging platform on the messaging network that fails to send a response message to the master platform within said selected interval," as further recited in claim 8. The Office Action vaguely refers to Vaudreuil tracking down and repairing errors. However, the cited section of Vaudreuil, column 18, lines 1-25, refers generally to an alarm database containing a list of events that occur within the network hub processing. There is no suggestion in Vaudreuil of a query message associated with an alarms database or repairing errors. The Office Action cites column 7, lines 15-32 of Vaudreuil as teaching that if the messaging platform fails to respond to the query message that the status is updated to indicate a disabled status. This is incorrect. Vaudreuil, at column 7, lines 15-32, generally refers to a network center 37 maintaining status information. However, the status information is in no way related to

the failure of a response to a query message as asserted in the Office Action. Thus, Vaudreuil does not teach or suggest a response message or a query message or the consequences of responding or failing to respond to such messages.

The addition of Weber does not overcome the serious deficiencies of Vaudreuil. The Office Action asserts that Weber discloses the use of a response message, query message, host name or ID and token pool. This is not correct. Although Weber mentions a client response message at column 13, lines 37-45, the response message in Weber is clearly for a different function than that recited in claim 8. Specifically, Weber teaches the use of a response message to negotiate security parameters in establishing a communication connection. Weber does not teach or suggest that the response message is sent "at a selected interval which is defined in the messaging platform entry corresponding to each messaging platform," as recited in claim 8. The Office Action appears to equate a response message from a merchant computer system as the equivalent of the query message recited in claim 8. This is not correct. Weber discloses a response to a client response message at column 13, line 66-column 14, line 5. As taught by Weber, if the merchant computer system wishes to correspond with the customer computer system, it response to the client response message with a server response message. If the merchant computer does not wish to communicate it responds to the client response message with a different message indicating a refusal to communicate. Thus, Weber teaches directly away from a method in which a query message is sent as a result of the failure to receive a response message. Furthermore, neither reference, taken alone or in combination suggests updating status information to indicate that a messaging platform is disabled if the messaging platform "fails to respond to said query message," as recited in claim 8. For these reasons alone, claim 8 is clearly allowable over the combination of Vaudreuil and Weber. Claims 9-10 are also allowable in view of the fact that they depend from claim 8, further in view of the recitation in each of those claims.

Claim 39 is an apparatus claim directed to a messaging network. Claim 39 recites *inter alia*, "a master platform having a master global routing table which holds a messaging platform entry for each messaging platform on the messaging network, each messaging platform entry in said master global routing table having a host ID, an

area of operation, an operational status, and a token pool.” Neither Vaudreuil or Weber, taken alone or in combination, suggests a master platform having a routing table containing the information recited in claim 39. The Office Action states, with respect to claim 9, that Weber discloses a token pool that is debited or credited based on the delivery of messages. This is a mischaracterization of Weber. Weber briefly discusses the need for a pool of terminal identification numbers (TIDs) that are dynamically assigned to terminals in a financial transaction. (See Column 63, Lines 11-40.) Those skilled in the art will appreciate that having a pool of TIDs available for address assignment is significantly different from debiting or crediting a token pool based on the delivery of a message.

Furthermore, the cited references, taken alone or in combination, do not suggest the process of a response message sent at selected intervals from each messaging platform nor a query message from the master platform to any messaging platform that fails to send the response message within the selected interval. As noted above with respect to claim 8, Weber describes a response message, which is utilized to establish security parameters. Neither reference suggests sending a response message at selected intervals nor a query message to a messaging platform that fails to send a response message, as recited in claim 39. For these reasons alone, claim 39 is clearly allowable over the cited references. Claims 40-41 are also allowable in view of the fact that they depend from claim 39, further in view of the recitation in each of those claims.

New claim 62 is an apparatus claim directed to a messaging network having a plurality of messaging devices. Claim 62 recites *inter alia* a master device that is “configured to send a second message type to a messaging device on the messaging network that fails to send the first message type to the master device within the predetermined interval.” The references cited in the Office Action do not teach or suggest the master device sending a second message type to any messaging device that fails to send the first message type within the predetermined interval. Weber briefly describes a remote terminal responding to a response message by sending a message indicating that the remote terminal wishes to communicate or by sending a message indicating that the remote terminal does not wish to communicate. However, the

message sent by the remote terminal is in response to the response message and is not in response to the failure of a master device to receive a response message. Accordingly, new claim 62 is clearly allowable over the cited references. Claims 63-71 are also allowable in view of the fact that they depend from claim 62, and further in view of the recitation in each of those claims.

In view of the above amendments and remarks, reconsideration of the subject application and its allowance are kindly requested. If questions remain regarding the present application, the Examiner is invited to contact the undersigned at (206) 628-7640.

Respectfully submitted,

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